

GOLDSTEIN ISAACSON, PC
Andrew J. Goldstein (AG-1750)
100 Morris Avenue, 3rd Floor
Springfield, New Jersey 07081
Telephone No. (973) 258-0500
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Lakeland Bank, a New Jersey Charter
State Bank, with its principal place of
business at 250 Oak Ridge Road,
Oak Ridge, New Jersey 07438,

Plaintiff,

-vs-

TAYLOR BABY in rem,
EDWIN RYBACKI, in personam,
RITA RYBACKI, in personam, and
MARC RYBACKI, in personam

Defendants.

Civil Action No. 07-CIV-6823

**AFFIDAVIT OF ATTORNEY IN
SUPPORT OF MOTION TO
CONFIRM SALE**

STATE OF NEW JERSEY :
:
COUNTY OF UNION : SS.

Andrew J. Goldstein, being duly sworn on his oath, deposes and says:

1. I am the attorney for the plaintiff, Lakeland Bank, in the above captioned action and make this Affidavit for and on behalf of the plaintiff in support of the motion for confirmation of sale of the vessel, Taylor Baby, bearing Official No.1123356.

2. That pursuant to the Order of Sale entered in this matter on March 13, 2008, directing the sale of the vessel, Taylor Baby, the vessel was advertised for sale in the form and manner prescribed by the Court's Order of March 13, 2008 (a copy of the Proof of Publication is annexed hereto as Exhibit "A"). As required by law, the notice of sale was published in the Times Herald Record, a newspaper of general circulation, on seven (7) separate occasions.

3. That on April 4, 2008, a public amended notice of sale was published in the Times Herald Record, a newspaper of general circulation, on one (1) occasion. (A copy of the Proof of Publication is annexed hereto as Exhibit "B").

4. That the sale was conducted by a Deputy United States Marshal on April 4, 2008, at 12:00 o'clock noon, at Storm King Marina, 2899 Route 9W, New Windsor, New York, as directed by the Order of Sale and in accordance with the published notice.

5. That during a two week period prior to the date of said sale, I received telephone inquiries from numerous interested parties, concerning the sale of the vessel Taylor Baby.

6. That I attended the sale, and observed that there were four (4) bidders including the plaintiff, Lakeland Bank, which submitted a bid in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00).

7. That since the sale, I have received no oral or written objections from any person, firm, or corporation to the sale.

8. No survey as to the value of the vessel was offered. Plaintiff has a judgment against the defendant in the amount of Three Hundred Four Thousand Eight Hundred Eight Dollars and Twenty One cents (\$304,808.21), plus costs and interest.

9. Plaintiff is a citizen of the United States of America.

10. That more than ten days have elapsed since the date of the sale, and that no one has informed me that they have any objection to these proceedings or to the sale.

/s/ Andrew J. Goldstein
ANDREW J. GOLDSTEIN, ESQ.

Sworn and subscribed to before
me this 14th day of May, 2008.

/s/ Fatima D. Pinho
Notary Public of the State of New Jersey
My Commission Expires 12/12/2010

EXHIBIT “A”

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit:

In its issues of

3/21/08, 3/22/08

3/26/08, 3/27/08

3/30/08, 3/31/08
4/1/08

Signature of Representative:

Patricia Foddrill

Sworn in before me this

2

Day of

Apr

2008

Gretchen Pina Breedy
Notary Public, Orange County

GRETCHEN PINA BREEDY
NOTARY PUBLIC FOR THE STATE
OF NEW YORK, ORANGE COUNTY
OATH / SIGNATURE IS ON FILE
COMMISSION EXPIRES 11/29/2009

Notice of United States Marshal's Sale

By virtue of a judgement for foreclosure of a first preferred ship mortgage and for sale, filed in the Office of the Clerk of the United States District Court for the Southern District of New York on July 30th, 2007, in an action entitled Lakeland Bank, plaintiff, vs. the vessel, Taylor Baby, defendant under Civil Number 07-CIV-6823, I, Joseph R. Guccione, United States Marshal, hereby give notice that I shall expose for sale the vessel Taylor Baby, bearing official number 1123356, documented the Department of Transportation, United States Coast Guard, under official number 1123356, together with her furniture, boilers and engines, etc., AS IS and where is to the highest and best bidder at public auction at Storm King Marina, 2899 Route 9W, New Windsor, New York, on the 4th day of April 2008 at 12:00 p.m.

The terms of sale are as follows: A deposit of 10% of the amount of the bid by money order or certified check made payable to the order of the United States Marshal, which shall be paid forthwith upon conclusion of the bidding. The successful bidder must pay the balance within three (3) days from the date of sale by cashier's or certified check. Failure to do so will result in the bidder's forfeiture of any amounts he, she or it deposited with the United States Marshal. The United States Marshal reserves the right to reject any and all bids not in accordance with the terms of sale. The sale may be adjourned to a later date by the United States Marshal. Lakeland Bank, the plaintiff in this action, is authorized to bid any part of the amount due to it without making a deposit to secure its bid. The sale will be subject to confirmation by the United States District Court and payment of Marshal's fees and expenses of the United States Marshal.

The vessel may be inspected by permission of the United States Marshal, and pursuant to arrangement with Andrew J. Goldstein, Goldstein Isaacson, PC, 100 Morris Avenue, 3rd floor, Springfield, New Jersey 07081. (973)258-0500, attorney for plaintiff.

Joseph R. Guccione
United States Marshal
for the Southern District of New York
New York, New York
(212)331-7200

Ad Number: 2017112 Advertiser: GOLDSTEIN ISAACSON

Phone: 9732580500 Sys No: 1229696 Caller: GOLDSTEIN ISAACSON

INVOICING CUSTOMER:

Phone: 9732580500 Sys No: 1229696 AcctNo: P.O. No:

Name: GOLDSTEIN ISAACSON Subscriber:

Address: 100 MORRIS AVENUE
3RD FLOOR
SPRINGFIELD NJ 07081

ORDER:

Printed By: THRFODDRIL Date: 03/19/2008 Assigned Sales: AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES: ppd cc

Change Reason:

INSERTION:

Product: ALL Paper: IN Class: 999X

Schedule: Start Date - 03/21/2008 End Date - 04/01/2008

Sort: NOTICE OF UNITED STATES MARSHALS SALEBY

PRODUCTION:

Text Size: 2 x 47.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 0 Proofs: 0 Affidavits: 0 Ali Addr: N

PRICING:

EXHIBIT “B”

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County of Orange: ss:

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of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit:
In its issues of

4/4/08

Signature of Representative:

Patricia Foddrill

Sworn in before me this

4

Day of

Apr

2008

Lorraine A. Twitty

Notary Public, Orange County

LORRAINE A. TWITTY
Notary Public, State of New York
No. 01TW6138930
Qualified in Orange County
Term Expires December 27, 2009

**AMENDED NOTICE OF
UNITED STATES MARSHAL'S SALE**

This is an action for foreclosure of a first preferred ship mortgage and for sale of the vessel Taylor Baby.

By virtue of a judgment for foreclosure of a first preferred ship mortgage and for sale, filed in the Office of the Clerk of the United States District Court for the Southern District of New York on July 30, 2007, in an action entitled Lakeland Bank, plaintiff, vs. the vessel, Taylor Baby, defendant, under Civil Number 07-CIV-6823, I, Joseph R. Guccione, United States Marshal, hereby give notice that I shall expose for sale the vessel Taylor Baby, bearing official number 1123356, documented by the Department of Transportation, United States Coast Guard, under official number 1123356, together with her furniture, boilers and engines, etc., AS IS and where is to the highest and best bidder at public auction at Storm King Marina, 2899 Route 9W, New Windsor, New York, on the 4 day of April 2008 at 12:00 p.m.

There is presently a judgment in favor of Lakeland Bank in the amount of \$304,808.21, upon which is principal in the amount of \$290,956.46 and interest in the amount of \$13,851.75.

The Warrant for Arrest was issued on July 30, 2007 and served upon the vessel Taylor Baby on August 13, 2007.

Bidding shall commence at \$100,000.00.

The terms of sale are as follows: A deposit of 10% of the amount of the bid by money order or certified check made payable to the order of the United States Marshal, which shall be paid forthwith upon conclusion of the bidding. The successful bidder must pay the balance within three (3) days from the date of sale by cashier's or certified check. Failure to do so will result in the bidder's forfeiture of any amounts he, she or it deposited with the United States Marshal. The United States Marshal reserves the right to reject any and all bids not in accordance with the terms of sale. The sale may be adjourned to a later date by the United States Marshal. Lakeland Bank, the plaintiff in this action, is authorized to bid any part of the amount due to it without making a deposit to secure its bid. The sale will be subject to confirmation by the United States District Court and payment of Marshal's fees and expenses of the United States Marshal.

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Joseph R. Guccione
United States Marshal
for the Southern District of New York
New York, New York
(212) 331-7200

Ad Number: 2020173 Advertiser: GOLDSTEIN ISAACSON

Phone: 9732580500 Sys No: 1229696 Caller: FATIMA PINHO

INVOICING CUSTOMER:

Phone: 9732580500 Sys No: 1229696 AcctNo: P.O. No:

Name: GOLDSTEIN ISAACSON Subscriber:

Address: 100 MORRIS AVENUE
3RD FLOOR
SPRINGFIELD NJ 07081

ORDER:

Printed By: THRFODDRIL Date: 04/03/2008 Assigned Sales: AMENDEDNOTICEOF UNITEDSTATESMARSHALSSAL AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES: cc paid

Change Reason: paid

INSERTION:

Product: THI Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 04/04/2008 End Date - 04/04/2008

Sort: AMENDEDNOTICEOFUNITED STATES MARSHALS SA